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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,331	06/05/2002	Frank Wieczorek	681008-2000	3614
20999 7590 11/15/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER BASIT, ABDUL	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/049,331		WIECZOREK, FRANK	
	<b>Examiner</b>		<b>Art Unit</b>	
	Abdul Basit		3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 4-13 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/23/2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is in response to Applicant's remarks received on 8/23/2007. In light of Applicant's remarks, the Office is issuing a second non-final action.

#### ***Claim Objections***

Claim 4-13 and 17 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, claims 4-13 and 17 have not been further treated on the merits.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Shoham (US Pat. No. 6,285,989).

#### ***Regarding claim 1:***

Shoham teaches a support matrix for communication, wherein the matrix is at least four-dimensional, each matrix dimension includes at least one selection list, and the selection lists include at least a first initiator list, a second market segment list, a third product list, and a fourth trading scenario list. (*see column 7, lines 1-14 and Table 2*).

Shoham discusses how different elements can be included such as those described in claim 1.

***Regarding claim 2:***

Shoham teaches the matrix according to claim 1, characterized in that each selection list includes a number of elements, which can be individually marked for selection or unselection, where each marking of one of the elements can preferably be stored and/or recalled. *(see column 7, lines 1-14 and Table 2).*

***Regarding claim 14:***

Shoham teaches a method for operating a trading center using a matrix according to one of the preceding claims, characterized in that the matrix is:

- Prepared by an operator, *(see column 5, lines 50-55)*
- The matrix is called up by an initiator, preferably via the Internet, *(see column 15, lines 20-25)*
- The called matrix is processed by the initiator, preferably at the initiator's workstation, *(see column 15, lines 20-25)*
- The processed matrix is sent to the operator, preferably via the Internet, *(see column 15, lines 20-25)* and
- The sent matrix is processed by the operator. *(see column 5, lines 50-55)*

***Regarding claim 15:***

Shoham teaches the method according to claim 14, characterized in that the operator includes an Internet platform operator and/or at least a service provider. *(see column 15, lines 20-25).*

***Regarding claim 16:***

Shoham teaches the method according to claim 14 or 15, characterized in that at least a first element of the selection lists is selected by the initiator, at least a second element of the selection lists is unselected by the initiator, and/or at least a third element of the selection lists is not processed by the initiator, where the trade is routed to the first element by the operator, the trade is not routed to the second element by the operator, and/or the third element is incorporated into the trade. (see table 2)

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoham in view of Taub (US Pat. No. 6,341,267).

***Regarding claim 3:***

Taub, not Shoham teaches the matrix according to claim 1 or 2, characterized in that each element is scalable (see column 8, lines 45-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shoham with Taub. Motivation to modify exists because scalable elements provides for a more efficient system.

***Conclusion***

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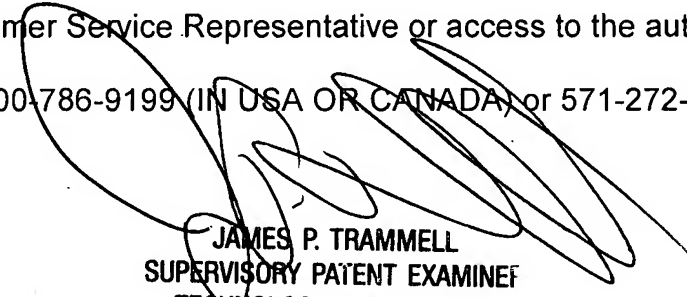
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes Tozzoli et al. (US Pat. No. 6,151,588), De La Motte et al. (US Pub. No. 2003/0014318), and Silverman (EP0399850).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Basit whose telephone number is 571 272-7246. The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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